IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.334 OF 2006

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mrs Indrayani Koparkar for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 21, 2007.

P.C.:

1. Heard Advocate for the Petitioner. The first Respondent is not present though office noting shows that bailable warrant has been duly served. Allegation in this Contempt Petition is as regards breach of undertaking recorded in order dated 19th March, 2002 passed in Criminal Writ Petition No.1134 of 2000. It is now an admitted position that after the time provided in the undertaking was over, the first Respondent has paid amounts to the Petitioner from time to time. As of today out of the total amount payable of Rs.06,77,201/- with interest thereon at the rate of 16% per annum, only a sum of Rs.2,000/- has remained due and payable by the contemnor to the Petitioner.

2. Thus, there is a substantial compliance with the stipulation in the undertaking. In view of the substantial compliance, it is obvious that the breach on the part of the contemnor cannot be said to be wilful or deliberate. Hence, it is not necessary to take further action against the contemnor. Notice issued to the contemnor is discharged. Contempt Petition is disposed of. It is however made clear that remedy of the Petitioner for recovery of the balance amount is kept open.

JUDGE